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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SIERRA CLUB, and the  
 CARMEL RIVER STEELHEAD ASSOCIATION,

Civ. No. 09-2870-JF

Plaintiffs,

v.

STIPULATION FOR STAY  
 OF FILING RESPONSIVE  
 PLEADING; ~~[PROPOSED]~~ ORDER

CALIFORNIA AMERICAN WATER COMPANY,  
 d/b/a CALIFORNIA AMERICAN WATER,

Defendant,

Judge: Hon. Jeremy Fogel

and

GARY LOCKE, SECRETARY OF THE  
 U.S. DEPARTMENT OF COMMERCE;  
 DR. JANE LUBCHENKO, ADMINISTRATOR  
 of the NATIONAL OCEANIC AND  
 ATMOSPHERIC ADMINISTRATION; and  
 RODNEY McINNIS, REGIONAL  
 ADMINISTRATOR, SOUTHWEST REGION,  
 NATIONAL MARINE FISHERIES SERVICE,

Named as FRCP 19(a)  
 Necessary Party Defendants.

The Sierra Club and the Carmel River Steelhead Association ("Plaintiffs"), Gary Locke, Secretary of the U.S. Department of Commerce, Dr. Jane Lubchenko, Administrator of the National Oceanic and Atmospheric Administration, and Rodney McInnis, Regional Administrator of the Southwest Region, National Marine Fisheries Service ("Federal Defendants"), by and through their undersigned counsel hereby stipulate and state as follows:

WHEREAS, Plaintiffs commenced this action on June 25, 2009;

1 WHEREAS, Plaintiffs effected service upon Federal Defendants by delivery of summons  
2 to the United States' Attorneys' Office for the Northern District of California on July 21, 2009;

3 WHEREAS, Defendant, California American Water Company has filed a motion to  
4 dismiss this action, and the motion to dismiss is set to be heard on September 18, 2009 (Dkt. 21);


5 WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(2), Federal Defendants' responsive  
6 pleading is due to be filed on September 21, 2009;

7 WHEREAS, Plaintiffs' Complaint contains no allegations or claims directed against  
8 Federal Defendants; therefore

9 In an effort to conserve judicial resources, the parties hereby STIPULATE:

- 10 1. That Federal Defendants' obligation to file a responsive pleading is hereby stayed  
11 until a ruling is issued on Defendant, California American Water Company's  
12 motion to dismiss; and
  - 13 2. Federal Defendants shall file a responsive pleading within 14 days of an order  
14 from this Court denying Defendant, California American Water Company's  
15 motion to dismiss; and
  - 16 3. If Defendant California American Water Company's motion to dismiss is granted,  
17 Federal Defendants need not file any responsive pleading.
- 18  
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21 So stipulated this   1   day of September, 2009.

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1 /s/ S. Jay Govindan

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**~~PROPOSED~~ ORDER**

Based on the foregoing, it is hereby ordered that Federal Defendants' time for filing a responsive pleading is stayed until 14 days after a ruling denying Defendant California American Water Company's motion to dismiss. If Defendant California American Water Company's motion to dismiss is granted, Federal Defendants need not file a responsive pleading.

**IT IS SO ORDERED.**

Dated: 9/4/2009

  
The Hon. Jerome Fogel  
U.S. District Judge